

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-26-07

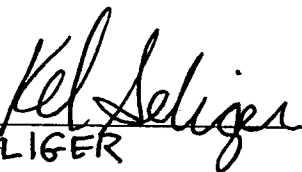
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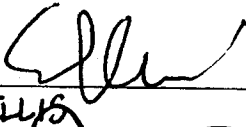
Honorable David Dewhurst  
President of the Senate

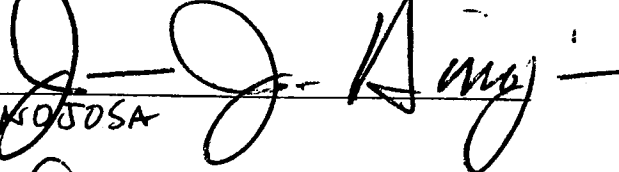
Honorable Tom Craddick  
Speaker of the House of Representatives

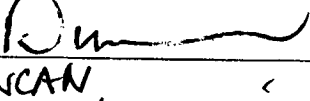
Sirs:


We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 1267 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.


  
SELIGER


  
ELLIS

  
HINKOOSA

  
DUNCAN

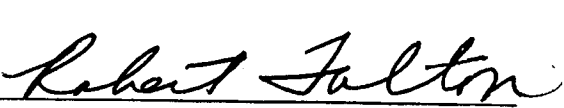
  
On the part of the Senate  
HARRIS

  
Rep. Aaron Peña, chair

  
Rep. Juan Escobar

  
Rep. Dan Gattis

  
Rep. Will Hartnett

  
On the part of the House  
Rep. Robert Fulton

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 1267

A BILL TO BE ENTITLED

AN ACT

relating to appointment procedures concerning and compensation and reimbursement for counsel appointed to represent indigent defendants in certain criminal and post-conviction proceedings and to the creation of an indigent defense representation fund.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 26.05, Code of Criminal Procedure, is amended by amending Subsection (c) and adding Subsection (i) to read as follows:

(c) Each fee schedule adopted shall state reasonable fixed rates or minimum and maximum hourly rates, taking into consideration reasonable and necessary overhead costs and the availability of qualified attorneys willing to accept the stated rates, and shall provide a form for the appointed counsel to itemize the types of services performed. No payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings and the judge approves the payment. If the judge disapproves the requested amount of payment, the judge shall make written findings stating the amount of payment that the judge approves and each reason for approving an amount different from the requested amount. An attorney whose request for payment is disapproved or is not otherwise acted on by the 60th day after the date the request for payment is submitted may appeal the disapproval or failure to act by

filing a motion with the presiding judge of the administrative judicial region. On the filing of a motion, the presiding judge of the administrative judicial region shall review the disapproval of payment or failure to act and determine the appropriate amount of payment. In reviewing the disapproval or failure to act, the presiding judge of the administrative judicial region may conduct a hearing. Not later than the 45th day after the date an application for payment of a fee is submitted under this article, the commissioners court shall pay to the appointed counsel the amount that is approved by the presiding judge of the administrative judicial region and that is in accordance with the fee schedule for that county.

(i) The indigent defense representation fund is a separate account in the general revenue fund. The fund:

(1) consists of criminal fees collected under Section 133.107, Local Government Code; and

(2) may be used only for the purposes for which the fair defense account established under Section 71.058, Government Code, may be used, including compensating appointed counsel in accordance with this code.

SECTION 2. Article 26.051(a)(2), Code of Criminal Procedure, is amended to read as follows:

(2) "Correctional institutions [~~Institutional~~] division" means the correctional institutions [~~institutional~~] division of the Texas Department of Criminal Justice.

SECTION 3. Article 26.051, Code of Criminal Procedure, is amended by amending Subsections (d) and (h) and adding Subsection

(i) to read as follows:

(d) A court shall:

(1) ~~[may]~~ notify the board if it determines that a defendant before the court is indigent and is an inmate charged with an offense committed while in the custody of the correctional institutions [institutional] division or a correctional facility authorized by Section 495.001, Government Code; and

(2) request that the board provide legal representation for the inmate.

(h) When the court appoints an attorney other than an attorney provided by the board:

(1) except as otherwise provided by this article, the inmate's legal defense is subject to Articles 1.051, 26.04, 26.05, and 26.052, as applicable; and

(2) the county in which a facility of the correctional institutions division or a correctional facility authorized by Section 495.001, Government Code, is located shall pay from its general fund the total costs of the aggregate amount allowed and awarded by the court for attorney compensation and expenses under Article 26.05 or 26.052, as applicable ~~[, the county shall pay from its general fund the first \$250.00 of the aggregate sum allowed and awarded by the court for the attorney fees under Article 26.05 of this code. If the fees awarded for a court-appointed attorney in a case described by this subsection exceed \$250.00, the court shall certify the amount in excess of \$250.00 to the board. On request of the board, the comptroller shall issue a warrant to the court-appointed attorney in the amount certified to the board by~~

1 ~~the court]~~.

2       (i) The state shall reimburse a county for attorney  
3 compensation and expenses awarded under Subsection (h). A court  
4 seeking reimbursement for a county shall certify to the comptroller  
5 of public accounts the amount of compensation and expenses for  
6 which the county is entitled to be reimbursed under this article.  
7 Not later than the 60th day after the date the comptroller receives  
8 from the court the request for reimbursement, the comptroller shall  
9 issue a warrant to the county in the amount certified by the court.

10       SECTION 4. Subchapter B, Chapter 102, Government Code, is  
11 amended by adding Section 102.023 to read as follows:

12       Sec. 102.023. COURT COST ON CONVICTION: SUPPORT OF  
13 INDIGENT DEFENSE REPRESENTATION. A person convicted of any  
14 offense, other than an offense relating to a pedestrian or the  
15 parking of a motor vehicle, shall pay a cost on conviction of \$2  
16 under Section 133.107, Local Government Code.

17       SECTION 5. Section 133.003, Local Government Code, is  
18 amended to read as follows:

19       Sec. 133.003. CRIMINAL FEES. This chapter applies to the  
20 following criminal fees:

21               (1) the consolidated fee imposed under Section  
22 133.102;

23               (2) the time payment fee imposed under Section  
24 133.103;

25               (3) fees for services of peace officers employed by  
26 the state imposed under Article 102.011, Code of Criminal  
27 Procedure, and forwarded to the comptroller as provided by Section

1 133.104;

2 (4) costs on conviction imposed in certain statutory  
3 county courts under Section 51.702, Government Code, and deposited  
4 in the judicial fund;

5 (5) costs on conviction imposed in certain county  
6 courts under Section 51.703, Government Code, and deposited in the  
7 judicial fund;

8 (6) the administrative fee for failure to appear or  
9 failure to pay or satisfy a judgment imposed under Section 706.006,  
10 Transportation Code;

11 (7) fines on conviction imposed under Section  
12 621.506(g), Transportation Code;

13 (8) the fee imposed under Article 102.0045, Code of  
14 Criminal Procedure; ~~and~~

15 (9) the cost on conviction imposed under Section  
16 133.105 and deposited in the judicial fund; and

17 (10) the cost on conviction imposed under Section  
18 133.107.

19 SECTION 6. Subchapter C, Chapter 133, Local Government  
20 Code, is amended by adding Section 133.107 to read as follows:

21 Sec. 133.107. FEE FOR SUPPORT OF INDIGENT DEFENSE  
22 REPRESENTATION. (a) A person convicted of any offense, other than  
23 an offense relating to a pedestrian or the parking of a motor  
24 vehicle, shall pay as a court cost, in addition to other costs, a  
25 fee of \$2 to be used to fund indigent defense representation through  
26 the fair defense account established under Section 71.058,  
27 Government Code.

1        (b) The treasurer shall remit a fee collected under this  
2 section to the comptroller in the manner provided by Subchapter B.  
3 The comptroller shall credit the remitted fees to the credit of the  
4 fair defense account established under Section 71.058, Government  
5 Code.

6        SECTION 7. Articles 26.051(b) and (c), Code of Criminal  
7 Procedure, and Article 26.055, Code of Criminal Procedure, are  
8 repealed.

9        SECTION 8. The change in law made by this Act to Article  
10 26.05(c), Code of Criminal Procedure, applies only to a request for  
11 payment submitted under Article 26.05(c) on or after the effective  
12 date of this Act.

13        SECTION 9. The change in law made by this Act to Article  
14 26.051, Code of Criminal Procedure, applies to compensation and  
15 expenses owed on or after the effective date of this Act to an  
16 attorney appointed under Article 26.051, Code of Criminal  
17 Procedure, regardless of whether the attorney was appointed before,  
18 on, or after the effective date of this Act.

19        SECTION 10. The imposition of a cost of court under Section  
20 133.107, Local Government Code, as added by this Act, applies only  
21 to an offense committed on or after the effective date of this Act.  
22 An offense committed before the effective date of this Act is  
23 covered by the law in effect when the offense was committed, and the  
24 former law is continued in effect for that purpose. For purposes of  
25 this section, an offense was committed before the effective date of  
26 this Act if any element of the offense was committed before that  
27 date.

1           SECTION 11.   This Act takes effect September 1, 2007.



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Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION

SECTION \_\_. Sections 2(b), (c), (e), and (f), Article 11.071, Code of Criminal Procedure, are amended as follows:

(b) In determinations made relating to whether a defendant is indigent, among other provision, provides that if the defendant desires appointment of counsel for the purpose of a writ of habeas corpus, the court shall appoint the office of capital writs to represent the defendant as provided by Subsection (c).

(c) Among other provisions, requires the office of capital writs or, if the office of capital writs does not accept or is prohibited from accepting an appointment under Section 78.054, Government Code, other competent counsel under Subsection (f).

(e) Makes clarifying changes related to a move for the appointment of counsel.

(f) Requires the court, if the office of capital writs does not accept or is prohibited from accepting an appointment under Section 78.054, Government Code, the convicting court to appoint counsel from a list of competent counsel maintained by the presiding judges of the administrative judicial regions under Section 78.056, Government Code, provides that n attorney appointed under this section who is employed by the office of capital writs shall be compensated in accordance with Subchapter B, Chapter 78, Government Code, and makes conforming changes.

No equivalent provision.

SECTION \_\_. Section 2A(a), Article 11.071, Code of

CONFERENCE

Same as House version.

Same as House version.

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SENATE VERSION

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Criminal Procedure, is amended to make conforming changes.

No equivalent provision.

SECTION \_\_. Section 3, Article 11.071, Code of Criminal Procedure, is amended by adding Subsection (f) to provide that this section applies to counsel's investigation of the factual and legal grounds for the filing of an application for a writ of habeas corpus, regardless of whether counsel is employed by the office of capital writs.

Same as House version.

No equivalent provision.

SECTION \_\_. Sections 4A(e) and (f), Article 11.071, Code of Criminal Procedure, are amended to make conforming changes.

Same as House version.

No equivalent provision.

SECTION \_\_. Section 6, Article 11.071, Code of Criminal Procedure, is amended by adding Subsection (b-1) to require the conflicting court, if the convicting court receives notice that the requirements of Section 5(a) for consideration of a subsequent application have been met, to appoint counsel and provide for the compensation and reimbursement of expenses of the counsel as is provided by Sections 2A and 3, including compensation for time previously spent and reimbursement of expenses previously incurred and regardless of whether the subsequent application is ultimately dismissed.

Same as House version.

No equivalent provision.

SECTION \_\_. Article 26.04(b), Code of Criminal

Same as House version.

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**HOUSE VERSION**

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Procedure, is amended to make conforming changes.

SECTION \_\_. Article 26.044(a), Code of Criminal Procedure, is amended by adding Subdivision (3) to define "office of capital writs" to the office of capital writs established under Subchapter B, Chapter 78, Government Code.

SECTION \_\_. Article 26.044, Code of Criminal Procedure, is amended by adding Subsection (n) to authorize an attorney employed by a public defender's office to be appointed with respect to an application for a writ of habeas corpus only if:

- (1) an attorney employed by the office of capital writs is not appointed in the case; and
- (2) the attorney employed by the public defender's office is on the list of competent counsel maintained under Section 78.056, Government Code.

SECTION \_\_. Article 26.05(a), Code of Criminal Procedure, is amended to make conforming changes.

Same as House version except also adds Subsection (i) to stipulate that the indigent defense representation fund is a separate account in the general revenue fund and that the fund:

- (1) consists of criminal fees collected under Section 133.107, Local Government Code; and
- (2) may be used only for the purposes for which the fair

Same as House version.

Same as House version.

Same as House version.

SECTION 1. Same as Senate version.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION 1. Article 26.05(c), Code of Criminal Procedure, relating to compensation of counsel appointed to defend, is amended.

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defense account established under Section 71.058, Government Code, may be used, including compensating appointed counsel in accordance with this code.

SECTION \_\_. Article 26.051(a)(2), Code of Criminal Procedure, is amended to rename the "institutional division" as the "correctional institutions division" and provides that it means the correctional institutions division of the Texas Department of Criminal Justice

SECTION 2. Same as Senate version.

No equivalent provision.

SECTION \_\_. Article 26.051, Code of Criminal Procedure, is amended by amending Subsections (d) and (h) and adding Subsection (i) to read as follows:

SECTION 3. Same as Senate version.

(d) Makes the current discretionary authorization a court has to notify the Texas Board of Criminal Justice of certain matters relating to an indigent inmate in the correctional institutions division and request legal representation for the inmate mandatory, and expands the affected inmates to include inmates in a correctional facility authorized by Section 495.001, Government Code.

(h) Provides that when the court appoints an attorney other than an attorney provided by the board:

(1) except as otherwise provided by this article, the inmate's legal defense is subject to Articles 1.051, 26.04, 26.05, and 26.052, as applicable; and

(2) the county in which a facility of the correctional institutions division or a correctional facility authorized by Section 495.001, Government Code, is located shall

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pay from its general fund the total costs of the aggregate amount allowed and awarded by the court for attorney compensation and expenses under Article 26.05 or 26.052, as applicable. Deletes language that limited the county responsibility to pay for such attorney fees to the first and requiring the comptroller, on request of the board, to issue a warrant to the court-appointed attorney in the amount certified to the board by the court.

(i) Requires the state to reimburse a county for attorney compensation and expenses awarded under Subsection (h) and requires a court seeking reimbursement for a county to certify to the comptroller of public accounts the amount of compensation and expenses for which the county is entitled to be reimbursed under this article. Also requires the comptroller, not later than the 60th day after the date the comptroller receives from the court the request for reimbursement, the comptroller to issue a warrant to the county in the amount certified by the court.

No equivalent provision.

SECTION \_\_. Subsection (d), Article 26.052, Code of Criminal Procedure, as amended by Chapters 787 and 965, Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended as follows:

- (d)(1) Maintains current law.
- (2) Modifies the standards for qualifications required to be appointed to represent indigent defendants in capital cases in which the death penalty is sought to add that a trial attorney appointed as lead counsel to a capital case

Same as House version.

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cannot have not been found by a federal or state court to have rendered ineffective assistance of counsel during the trial or appeal of any capital case, unless the conduct underlying the finding fails to accurately reflect the attorney's current ability to provide effective representation and to delete the specification that the required criminal law experience is to have been in criminal litigation and makes conforming changes.

(3) Provides that the standards must require that an attorney appointed as lead appellate counsel in the direct appeal of a capital case:

(A) be a member of the State Bar of Texas;

(B) exhibit proficiency and commitment to providing quality representation to defendants in death penalty cases;

(C) have not been found by a federal or state court to have rendered ineffective assistance of counsel during the trial or appeal of any capital case, unless the conduct underlying the finding fails to accurately reflect the attorney's current ability to provide effective representation;

(D) have at least five years of criminal law experience;

(E) have authored a significant number of appellate briefs, including appellate briefs for homicide cases and other cases involving an offense punishable as a capital felony or a felony of the first degree or an offense described by Section 3g(a)(1), Article 42.12;

(F) have trial or appellate experience in:

(i) the use of and challenges to mental health or forensic

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expert witnesses; and  
(ii) the use of mitigating evidence at the penalty phase of a death penalty trial; and  
(G) have participated in continuing legal education courses or other training relating to criminal defense in appealing death penalty cases.  
(4)-(5) Makes conforming and nonsubstantive changes.

No equivalent provision.

SECTION \_\_. Article 26.052, Code of Criminal Procedure, is amended by amending Subsections (e), (f), and (g) and adding Subsections (e-1) and (e-2) as follows:

Same as House version.

(e) Modifies the presumptive number of attorneys a judge must appoint to represent an indigent defendant from two attorneys to one attorney. Requires the judge, unless the state files written notice in the case that the state will not seek the death penalty, the judge to appoint a second attorney to the case on the earlier of:

(1) the date the state files written notice in the case that the state will seek the death penalty; or

(2) the 90th day after the date on which the defendant is charged with a capital offense by indictment or by complaint, whichever occurs first. and makes conforming changes.

(e-1) Provides that an attorney is not required to meet the standards described by Subsection (d)(2) to be eligible for appointment as a second attorney under Subsection (e).

(e-2) Prohibits a case in which the state seeks the death

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penalty from proceeding to trial on the merits before the 180th day after the date on which a second attorney is appointed to the case under Subsection (e). Provides that if, after the second attorney is appointed, the state files written notice in the case that the state will not seek the death penalty, the judge may remove the second attorney from the case. Stipulates that the second attorney remains entitled to reasonable payment for services rendered before removal in accordance with the local guidelines for payment of an attorney appointed to represent a defendant in a capital case.

(f) Adds investigation of mitigation evidence to the investigations for which an appointed counsel may request advance payment of expenses.

(g) Imposes a timeliness standard on the court granting the request for advance payment of expenses.

No equivalent provision.

SECTION \_\_. Subtitle F, Title 2, Government Code, is amended by adding Chapter 78 as follows:

**CHAPTER 78. CAPITAL WRITS COMMITTEE AND OFFICE OF CAPITAL WRITS**

**SUBCHAPTER A. CAPITAL WRITS COMMITTEE**

Sec. 78.001. DEFINITIONS. In this subchapter:

(1) Defines "committee" to mean the capital writs committee established under this subchapter.

(2) Defines "Office of capital writs" to mean the office of capital writs established under Subchapter B.

Sec. 78.002. ESTABLISHMENT OF COMMITTEE; DUTIES. Establishes the capital writs committee and

Same as House version.



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requires the committee to recommend to the Court of Criminal Appeals a director for the office of capital writs when a vacancy exists for the position of director.

Sec. 78.003. APPOINTMENT AND COMPOSITION OF COMMITTEE. (a) Provides that the committee is composed of the following five members who are appointed by the president of the State Bar of Texas, with ratification by the executive committee of the State Bar of Texas:

(1)three attorneys who are members of the State Bar of Texas and who are not employed as prosecutors or law enforcement officials, all of whom must have criminal defense experience with death penalty proceedings in this state; and

(2)two state district judges, one of whom serves as presiding judge of an administrative judicial region.

(b)-(c) Sets out matters relating to the presiding officer and meetings.

Sec. 78.004. RECOMMENDATION AND APPOINTMENT OF DIRECTOR OF OFFICE OF CAPITAL WRITS. (a) Requires the committee to submit to the Court of Criminal Appeals, in order of the committee's preference, a list of the names of not more than five persons the committee recommends that the court consider in appointing the director of the office of capital writs when a vacancy exists for the position of director. If the committee finds that three or more persons under the committee's consideration are qualified to serve as the director of the office of capital writs, the

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committee must include at least three names in the list submitted under this subsection.

(b) Provides that each person recommended to the Court of Criminal Appeals by the committee under Subsection (a) must exhibit proficiency and commitment to providing quality representation to defendants in death penalty state habeas cases, as described by the Guidelines and Standards for Texas Capital Counsel, as published by the State Bar of Texas.

(c) Provides for filling a vacancy.

**SUBCHAPTER B. OFFICE OF CAPITAL WRITS**

**Sec. 78.051. DEFINITIONS.** In this subchapter:

(1) Defines "committee" to mean the capital writs committee established under Subchapter A.

(2) Defines "office" to mean the office of capital writs established and operated under this subchapter.

**Sec. 78.052. ESTABLISHMENT; FUNDING.** (a) Provides that the office of capital writs is established and operates under the direction and supervision of the director of the office.

(b) Provides that the office shall receive funds for personnel costs and expenses as specified in the General Appropriations Act.

**Sec. 78.053. DIRECTOR; STAFF.** (a) Provides for the appointment of the director by the Court of Criminal Appeals and sets out the directors duties and terms of office.

(b) Provides for employees of the office.

(c) Prohibits the he director and any attorney employed

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by the office from engaging in the private practice of criminal law, or accepting anything of value not authorized by law for services rendered under this subchapter.

Sec. 78.054. POWERS AND DUTIES. (a) Provides that the office may not accept an appointment under Article 11.071, Code of Criminal Procedure, if: (1) a conflict of interest exists; (2) the office has insufficient resources to provide adequate representation for the defendant; (3) the office is incapable of providing representation for the defendant in accordance with the rules of professional conduct; or other good cause is shown for not accepting the appointment.

(b) Prohibits the office from representing a defendant in a federal habeas review or a defendant in an action or proceeding in state court other than an action or proceeding that: (1) is conducted under Article 11.071, Code of Criminal Procedure; (2) is collateral to the preparation of an application under Article 11.071 Code of Criminal Procedure; or (3) concerns any other post-conviction matter other than a direct appeal, including an action or proceeding under Article 46.05 or Chapter 64, Code of Criminal Procedure.

(c) Provides that, notwithstanding Article 26.04(p) Code of Criminal Procedure, the office may independently investigate the financial condition of any person the office is appointed to represent. Requires the office to report the results of the investigation to the appointing judge. Authorizes the judge to hold a hearing to

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determine if the person is indigent and entitled to representation under this section.

Sec. 78.055. COMPENSATION OF OTHER APPOINTED ATTORNEYS. Provides for compensation of outside counsel.

Sec. 78.056. APPOINTMENT LIST. (a) Requires the presiding judges of the administrative judicial regions shall maintain a statewide list of competent counsel available for appointment under Section 2(f), Article 11.071, Code of Criminal Procedure, if the office does not accept or is prohibited from accepting an appointment under Section 78.054. Each attorney on the list must possess the qualifications described by Section 78.004(b).

(b) Provides that the Office of Court Administration and the Task Force on Indigent Defense shall provide administrative support necessary under this section.

No equivalent provision.

SECTION \_\_. Subchapter B, Chapter 102, Government Code, is amended by adding Section 102.023 as follows:  
Sec. 102.023. COURT COST ON CONVICTION: SUPPORT OF INDIGENT DEFENSE REPRESENTATION. Requires a person convicted of any offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, to pay a cost on conviction of \$2 under Section 133.107, Local Government Code.

SECTION 4. Same as Senate version.

No equivalent provision.

SECTION \_\_. Section 133.003, Local Government

SECTION 5. Same as Senate version.

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Code, is amended to make a conforming change.

No equivalent provision.

SECTION \_\_. Subchapter C, Chapter 133, Local Government Code, is amended by adding Section 133.107 as follows:

Sec. 133.107. FEE FOR SUPPORT OF INDIGENT DEFENSE REPRESENTATION. (a) Requires that a person convicted of any offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, to pay as a court cost, in addition to other costs, a fee of \$2 to be used to fund indigent defense representation through the fair defense account established under Section 71.058, Government Code.

(b) Requires the treasurer to remit a fee collected under this section to the comptroller in the manner provided by Subchapter B and the comptroller to credit the remitted fees to the credit of the fair defense account established under Section 71.058, Government Code.

SECTION 6. Same as Senate version.

No equivalent provision.

SECTION \_\_. Articles 26.051(b) and (c), Code of Criminal Procedure, and Article 26.055, Code of Criminal Procedure, are repealed.

SECTION 7. Same as Senate version.

No equivalent provision.

SECTION \_\_. Section 2(d), Article 11.071, Code of Criminal Procedure, is repealed, effective January 1, 2008.

Same as House version.

No equivalent provision.

SECTION \_\_. Transition provisions relating to certain requirements of Subsection (d), Article 26.052, Code of

Same as House version.

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	Criminal Procedure, as amended by the Act.	
No equivalent provision.	SECTION __. Transition provisions relating to Section 78.056, Government Code, as added by this Act, to the capital writs committee and to the director of the office of capital writs.	Same as House version.
No equivalent provision.	SECTION __. Saving provisions relating to the change in law made by this Act to Section 2A, Article 11.071, and Section 6(b-1), Article 11.071, Code of Criminal Procedure, as added by this Act.	Same as House version.
No equivalent provision.	SECTION __. Saving provision relating to the change in law made by this Act to Article 26.051, Code of Criminal Procedure.	SECTION 9. Same as Senate version.
No equivalent provision.	SECTION __. The change in law made by this Act applies only to a capital felony case that is filed on or after the effective date of this Act. A capital felony case that is filed before the effective date of this Act is governed by the law in effect on the date the case was filed, and the former law is continued in effect for that purpose.	Same as House version.
No equivalent provision.	SECTION __. Saving provision relating to the imposition of a cost of court under Section 133.107, Local Government Code, as added by this Act.	SECTION 10. Same as Senate version.
SECTION 2. The change in law made by this Act	SECTION 2. The change in law made by this Act to	SECTION 8. Same as Senate version except refers to

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HOUSE VERSION

applies only to a request for payment submitted under Article 26.05(c), Code of Criminal Procedure, as amended by this Act, on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2007.

SENATE VERSION

Article 26.05, Code of Criminal Procedure, applies only to a request for payment submitted under Article 26.05(c), Code of Criminal Procedure, on or after the effective date of this Act.

Same as House version.

CONFERENCE

Article 26.05(c) in both instances.

SECTION 11. Same as House version.